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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 DEAN WADE EMERSON,

12 Defendant.

CASE NO. CR14-5304BHS

ORDER

13 This matter comes before the Court on the Defendant's unopposed Motion to Continue  
14 the Trial and Pretrial Motions Dates. The Court, having considered the motion and the  
15 Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

16 1. The defense needs additional time to complete investigating the two separate  
17 incidents that gave rise to these charges, and to prepare pretrial motions.

18 2. Defense counsel is scheduled for trials before another district judge on October 27,  
19 and November 3, 2014, which will prevent counsel from being prepared for Mr. Emerson's trial  
20 on the current trial date of November 4, 2014.

21 3. The defense needs additional time to explore all relevant issues and defenses  
22 applicable to the case, which would make it unreasonable to expect adequate preparation for

1 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act  
2 and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

3 4. Taking into account the exercise of due diligence, a continuance is necessary to allow  
4 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
5 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

6 5. Proceeding to trial absent adequate time for the defense to prepare would result in a  
7 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

8 6. The ends of justice served by granting this continuance outweigh the best interests of  
9 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

10 7. Defendant waived speedy trial through February 28, 2015.

11 NOW, THEREFORE, IT IS HEREBY ORDERED

12 That the trial date is continued from November 4, 2014, to February 17, 2015, at 9:00  
13 a.m. Pretrial Conference is set for February 9, 2015, at 10:00 a.m. Pretrial motions are due by  
14 January 6, 2015. The resulting period of delay from September 30, 2014, to February 17, 2015,  
15 is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

16 Dated this 2<sup>nd</sup> day of October, 2014.

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18 BENJAMIN H. SETTLE  
19 United States District Judge  
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